

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**VIRGIL SMITH, individually,
and ADAM SMITH, through
his legal guardian, Virgil Smith,**

Plaintiffs,

v.

**PHOENIX SEATING SYSTEMS, LLC,
d/b/a FALCON/LEBAC SYSTEMS,**

Defendant/Third Party Plaintiff,

v.

**VELO ENTERPRISES CO., LTD.,
And RATTOX CORPORATION,**

Third-Party Defendants.

No. 09-cv-568-DRH-DGW

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Pending before the Court is third-party plaintiff Phoenix Seating Systems, LLC, d/b/a Falcon/Lebac Systems' (Phoenix) motion to voluntarily dismiss without prejudice its third-party complaint (Doc. 128). The Court **GRANTS** Phoenix's motion. Thus, its third-party complaint against third-party defendants Velo Enterprises Co., Ltd., and Rattox Corporation is dismissed without prejudice. Accordingly, the final pretrial conference set for January 7, 2013 is hereby canceled. The Clerk is directed to close the file.

IT IS SO ORDERED.

Signed this 28th day of December, 2012.

Digital signature of David R. Herndon
Date: 2012.12.28
14:41:11 -06'00'

**Chief Judge
United States District Court**